

REMARKS

Claims 1, 3–10, and 12–16 are pending.

Reconsideration of the claims in view of the following remarks is respectfully requested.

§ 103 Rejections

Claims 1, 3–10, and 12–16 stand rejected under 35 USC § 103(a) as being unpatentable over Duchesne et al. (U.S. Patent 5,015,693) [hereinafter Duchesne].

The previous Office Action also rejected these claims over Blong et al. (U.S. Patent 5,830,947) [hereinafter Blong].

The Patent Office makes no reference to the rejection over Blong in this Office Action. Applicants presume that this indicates a withdrawal of the rejection over Blong. Written confirmation of this assumption is respectfully requested.

The Patent Office first asserts that the claim has been amended to require a vinylidene fluoride content of at least 85%. The Applicants respectfully call the Examiner's attention to claim 1, which claims that the vinylidene fluoride content of the fluoropolymer is **greater than 75% by weight, NOT 85% as the Examiner asserts**. Appropriate written acknowledgement of the substance of the claims is requested.

The Patent Office sustains the rejection over Duchesne, asserting that Duchesne et al. teaches the use of fluoropolymers having perfluoropropylene in an amount of as low as 15%. Therefore, the Patent Office asserts that this would leave 85% as the amount of vinylidene fluoride monomeric component, rendering the claim prima facie obvious.

The Applicants respectfully call the Examiner's attention to the fact that Duchesne discusses at column 4, lines 10+, a fluoropolymer having vinylidene fluoride and a **perfluoropropylene content of between 15 and 50 mole percent**. The present claims relate to a fluoropolymer having **greater than 75% by weight of vinylidene fluoride**.

Converting the **mole percent** described in Duchesne into **weight percents** (a process possessed by one of ordinary skill in the art), reveals that the description in Duchesne relates to a fluoropolymer having up to 70.7 weight percent vinylidene fluoride (corresponding to a

copolymer having 85 mole% VDF [molecular weight = 64 g/mol] and 15 mole% perfluoropropylene [molecular weight = 150 g/mol]).

Therefore, as the Applicants asserted in their response filed December 29, 2005, none of the patents referenced by Duchesne nor the examples embodied in Duchesne utilize a polymer wherein the vinylidene fluoride content is greater than 75% by weight.

Duchesne does not teach or suggest all of the claim limitations of claims 1, 7, 10, and 15. The references fail to teach, suggest or describe a fluoropolymer having interpolymerized units of vinylidene fluoride and at least one other monomer wherein the vinylidene fluoride content of the fluoropolymer is greater than 75% **by weight**.

The remaining claims 3-6, 8, 9, 12-14 and 16 all depend from claims 1, 7, 10 or 15. Thus, each of these claims is patentable at least on the basis of their dependency from a patentable base claim.

Reconsideration of the inappropriate rejection over Duchesne is respectfully requested.

Conclusion

In view of the foregoing remarks, favorable reconsideration of the present application and the passing of this case to issue with all claims allowed is courteously solicited. Should the Examiner wish to discuss any aspect of this application, applicants' attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,

Date

May 4, 2006
Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

By:

Brian E. Szymanski, Reg. No.: 39,523
Telephone No.: 651-737-9138